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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,047	12/04/2001	Nobumasa Fukuzawa	1232-4794	7829
27123	7590	06/01/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			WORKU, NEGUSSIE	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,047

Applicant(s)

FUKUZAWA, NOBUMASA

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Itoh (USP 5,734,483).

With respect to claim 1, Itoh discloses an image reading apparatus (as shown in fig 1-13), comprising two different reading systems (reading an image positioned on contact glass plate 12 of fig 2, and document placed on contact glass plate 24, which is feed by the ADF 13 of fig 2) constituted by a reading system in which an original is fixed on an original glass plate (12 of fig 22) and an optical system (an optical system 15 of fig 10, which includes lens 72, mirror 70, image sensor 24, and light source 61, as shown in fig 10) scans the original to read image information, see (col.6, lines 33-40) and a reading system (shown fig1-13) in which an optical system is fixed and image information is read while moving the original, (the image information read while original moves by ADF 13 of fig 2, across glass plate 24, as shown in fig 2), characterized in

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that an original illumination system, (the original is illuminated by light source 61 of fig 10) different from an original illumination system that illuminates the original placed on the original glass plate, see (col.6, lines 33-40), is arranged above a scan flow glass member (glass plate 24 of fig 2) arranged on substantially the same plane as that of the original glass plate original glass plate 12 of fig 2) and used when reading image information while moving the original, (the image information read while original moves by ADF 13 of fig 2, across glass plate 24, as shown in fig 2), an original convey device (ADF 13 of fig 2) is formed to move the original above said different original illumination system, (the illumination of the document is different when the original positioned on the glass plate 24 and glass plate 12 of fig 2) the original (original image of fig 11) which is being conveyed is directly illuminated by said different original illumination system, (61 of fig as shown in fig 10) and switching means (a carriage 14 of fig 2, switch the position of the light source by moving the image sensor 15 of fig 2, into a focal surface of the original, as shown in fig 2) is provided for switching a focal surface of the original, see (col.7, lines 1-5).

With respect to claim 2, Itoh discloses the apparatus (as shown in fig 2), wherein said switching means (a carriage 14 of fig 2, switch the position of the light source by moving the image sensor 15 of fig 2, into a focal surface of the original, as shown in fig 2) is capable of switching a focal surface between a position on said original glass plate (between original glass plate 14 and 24 of fig 2) and a position on an original (original image of fig 10) convey surface which is directly illuminated by said different illumination

system (illumination system [light source 61 of fig 10] see (col.7, lines 1-5).

With respect to claim 3, Itoh discloses the apparatus (as shown in fig 2), wherein said switching means (a carriage 14 of fig 2, switch the position of the light source by moving the image sensor 15 of fig 2, into a focal surface of the original, as shown in fig 2) switches the focal surface by retreating said optical system (optical system provided in the image sensor 15 of fig 10) that scans the original (original image of fig 11) placed on said original glass plate glass plate 12 of fig 10) and inserting a movable mirror (a deflection mirror 63 of fig 10) in an optical path, see (col.9, lines 13-15).

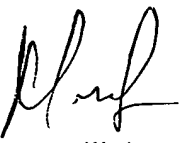
With respect to claim 4, Itoh discloses the apparatus (as shown in fig 2), wherein said switching means (a carriage 14 of fig 2, switch the position of the light source by moving the image sensor 15 of fig 2, into a focal surface of the original, as shown in fig 2) integrates an imaging lens and line sensor to form a unit, (the image sensor 15 of fig 10, comprises a light source 61, mirror 63 and lens 72 to form a unit, and moves in a direction of axis, as shown in fig 2 and 10), and moves the unit (carriage 14 of fig 2) in a direction of optical axis, thereby switching the focal surface, (a carriage 14 of fig 2, switch the position of the light source by moving the image sensor 15 of fig 2, into a focal surface of the original, as shown in fig 2), see (col.7, lines 35-38).

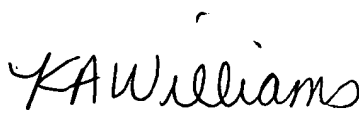
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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Negussie Worku
05/24/05


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER